

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## UNITED STATES DISTRICT COURT

for the

Western District of New York

\_\_\_\_ Division

Diamond Bussey 2260119

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Case No.

23 CV 247-JLS

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

Shawn Moore 4568, Joseph Judd 4313

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Diamond Bussey

Street Address

1879 Davis Street

City and County

Elmira, Ch

State and Zip Code

New York 14902-0500

Telephone Number

E-mail Address

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## Defendant No. 1

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Shaun Moore 4568  
Monroe County Sheriff Officer/Deputy  
130 South Plymouth Avenue  
Rochester, Monroe  
New York 14614  
(585) 753-4178

## Defendant No. 2

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Joseph Judd  
Monroe County Sheriff Officer/Deputy  
130 South Plymouth Avenue  
Rochester, Monroe  
New York 14614  
(585) 753-4178

## Defendant No. 3

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

## Defendant No. 4

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

USCA CONST Amend. VIII, Due process V<sup>th</sup> and XIV<sup>th</sup> Amend., USCA CONST Amend IV

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_ . Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See attachment (Also see County Court Claim) Investigation was made!

## IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See attachment (Also see Exhibits A,B,C)

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/13/23

Signature of Plaintiff

Printed Name of Plaintiff

D.B.  
Diamond Bussey

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



## Relief

Prior to the unlawful arrest, I was R.O.R. by judge Miller pending sentencing. Due to the defendant's actions, I was deprived of precious time to be with my daughter and to get my affairs in order before I was to be sentenced. Had these officers not arrested me on 3/25/20, I would have remained free until the day of sentencing (12/11/21).

At sentencing I was given an enhanced sentence because because of the defendant's unlawful arrest and the malicious prosecution that followed.

Also, I was not able to ask for immediate release in a State Habeas Corpus because I had these frivolous charges pending from 3/26/20 until 11/22/22, without one single court appearance.

Due to deputy Shawn Moore and deputy Joseph Judd actions, they are responsible for the loss of relationship with my daughter, loss of wages, pain and suffering, loss of freedom, and damage to my reputation just to name a few.

I'm seeking compensatory damages in the amount of \$500,000.00 per defendant and \$750,000.00 in punitive damages per defendant.



## State Ment of Claim

This Claim is based on an incident that occurred on March 25, 2020 at approximately 11:15 pm, at 204 Crown Oak Drive in Penfield New York.

I was targeted by deputy Shawn Moore and deputy Joseph Judd both who are members of the Monroe County Sheriff's Office. Deputy Moore used excessive force to falsely arrest without any probable cause. Admitting in his incident report that his only reason for approaching me was because he didn't recognize me or my vehicle from the area.

Against my will, I was taken to a place called A-Zone where I was forced at gun point to sign a statement. I was told that once I sign it I could leave with my brother (who was told by the officers to wait in the parking lot for my release). Once I sign the statement Officer Joseph Judd immediately laugh at me and say I'm not being released.

Then the officer's forces me into a court room at 1:30 in the morning without my lawyer, no prosecutor, just judge Paula Metzler. Whom without any jurisdiction, remanded me to Monroe County Jail, no bail no release. Where I was held for years without a court date/court appearance (3/26/20)-(11/22/22).

# Exhibit A



**NOTICE OF CLAIM AGAINST THE COUNTY OF MONROE**

Please follow the Notice of Claim Instructions for the delivery of this Notice of Claim.

**PERSONAL INFORMATION**Name Diamond BusseyAddress 130 S. Plymouth Ave. Rochester, NY 14614

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

Mobile Phone \_\_\_\_\_

**ATTORNEY'S INFORMATION**Name Pro Se

Address \_\_\_\_\_

Office Phone \_\_\_\_\_

Mobile Phone \_\_\_\_\_

**INCIDENT/ACCIDENT DETAILS**Date of Incident 3/25/20Time of Incident 11:00 pm - 11:30Place Incident Occurred 204 Crown Oak Drive**NATURE OF CLAIM**

The nature of my claim, and the manner in which it arose are as follows: [Explain in detail.]

This claim is based on an incident that occurred on March 25, 2020 at approximately 11:20 pm. I was subject to a drug investigation (unauthorized). In the process I fled the vicinity of this investigation. Moments later when I thought I was clear, out of the blue a white male dressed in all black attire, spearred me from the back. Shocked, I turn around (still on the ground) to find this guy ~~take~~ (undercover Monroe County Sheriff) with a gun pointed towards me. I was held to. Officer Moore showed up (35/45 sec later) who told me to lay face down on the ground, which I did. Next thing I know I have the knee of a out of →

breath (Dead weight) 230+ Lb of officer Shawn Moore on the small of my back. Applying a massive amount of force to my spine area, which I complained about and was told "I shouldn't have ran". Once I was booked in Monroe County Jail I complained excessively about the constant pain in my back and was only prescribed Tylenol which did nothing to ease the pain. The pain that I did not have prior to getting that bone jarring tackle, exacerbated by Officer Moore's knee in my spine while I was already disabled by the tackle. Let me not forget, while I was being held by this masked man at gun point, I repeatedly asked "Who are you?" His response was "We're in the dark woods, I will shoot you." I was scared to death, I never experienced nothing like that, I really thought I was about to die.



**NOTICE OF CLAIM AGAINST THE COUNTY OF MONROE****DAMAGE AND/OR INJURIES**

The items of damage and/or injuries that I am claiming are as follows:

As a result of the bone-jarring tackle and the excessive force applied thereafter, I have endured extreme pain to my back area and right hip area. Which has caused me to experience difficulties in walking (soreness and stiffness every morning I wake up in my right hip, also damaged nerves going all the way down to my right heel), Sitting (Whenever I'm sitting it feels like a bone is about to pop out of my lower back), and Sleeping (I can't find a comfortable position that allows me to fall asleep, I literally have to exhaust myself for 2 days until my body shuts down just to get a good rest. Due to the situation, I've also experienced anxiety, anguish, and paranoia. What really brings tears to my eyes is the dreadful thought that I might not be able to ever work again or play with my new born without feeling this constant pain. For the physical + mental pain that was unnecessarily inflicted by members of the Monroe County Sheriff's Department, I ask for \$1,500,000.00 to be made whole.

Sworn to before me this 8<sup>th</sup> day of May, 2020

*Lindsey Pieper*  
Notary Public/Commissioner of Deeds

*Diby*  
Signature of Claimant

LINDSEY M. PIEPER  
Notary Public, State of New York  
No. 02PI6327315  
Qualified in Monroe County  
Commission Expires July 6, 2023



# Exhibit B

INCIDENT	Monroe County Incident Report		1. Agency Monroe County Sheriff		2. Zone/Precinct A Zone		3. Report Date 03/25/2020		4. Report Time 2313		5. Incident Type Crime		6. Incident No. 20-053322										
	7. Date From 03/25/20		8. Time From 2313		9. Date To 03/25/20		10. Time To 2313		11. Dispatched to (Address) Self Initiated														
	12. Incident Address (Street, Bldg. No., Apt. No) 204 Crown Oak Dr, Penfield, NY, 14526							13. City, State, Zip C/T/V Penfield, NY, 14526			14. Weapon(s) -												
	15. OFF. NO.		LAW		SECTION		SUB		CL		CAT		DEG		ATT		NAME OF OFFENSE		CTS				
	1		Penal		220.16		1		B		F		3				Criminal Possession of a Controlled Substance		1				
	2		Penal		220.16		12		B		F		3				Criminal Possession of a Controlled Substance		1				
VICTIM	16. Victim Name (V1) NYS							17. (V1) Address (Street, City, State, Zip)							18. Telephone No. W/H/C		A.						
	19. Date of Birth		20. Age		21. Sex <input type="radio"/> M <input type="radio"/> F <input type="radio"/> U		22. Race <input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Indian <input type="radio"/> Asian <input type="radio"/> Unk		23. Ethnic <input type="radio"/> Hispanic <input type="radio"/> Non-Hispanic <input type="radio"/> Unk		24. Residence Status <input type="radio"/> Temp. Res. <input type="radio"/> Foreign Nat. <input type="radio"/> Resident <input type="radio"/> Tourist <input type="radio"/> Student <input type="radio"/> Other <input type="radio"/> Commuter <input type="radio"/> Military <input type="radio"/> Homeless <input type="radio"/> Unk		B.										
	25. Victim DID receive information on Victim's Rights and Services pursuant to New York State Law <input type="radio"/> Yes <input type="radio"/> No														-								
ASSOCIATED PERSONS	26. R=Reporting Person W=Witness PK=Person w/ Knowledge NI=Not Interviewed NO=Interview No Information																			C.			
	Type No.		Name (Last, First, Middle)				D.O.B		Sex M/F/U		Race W/B/A/U		Address				Telephone No. (W/H/C)		D.				
	PK1		Clark, William, F. Jr.				09/09/88		M		B		300 Parsells Ave, Rochester, NY.				-		E.				
	-		-				-		-		-		-				-		F.				
SUSPECT/ARRESTED MISSING PERSONS	27. Type/No A1		28. Name (Last, First, Middle) Bussey, Diamond, P.				29. Alias/ Nickname/ Maiden "Dice"				30. Apparent Condition: <input type="radio"/> Impaired Drugs <input type="radio"/> Mental Dis. <input type="radio"/> Unk. <input type="radio"/> Impaired Alcoh <input type="radio"/> In/Out <input type="radio"/> App. Normal				H.								
	31. Address 150 VanAuker Street, Rochester, NY, 14608				32. Telephone No. W/H/C 585-685-5851				33. MoRIS No. 282679		34. Employer / School -				I.								
	35. DOB 06/03/85		36. Age 34		37. Sex <input type="radio"/> M <input type="radio"/> F <input type="radio"/> U		38. Race <input type="radio"/> White <input type="radio"/> Black <input type="radio"/> Indian <input type="radio"/> Asian <input type="radio"/> Unk		39. Ethnic <input type="radio"/> Hispanic <input type="radio"/> Non-Hispanic <input type="radio"/> Unk		40. Build <input type="radio"/> Large <input type="radio"/> Small <input type="radio"/> Medium		41. Skin color <input type="radio"/> Light <input type="radio"/> Dark <input type="radio"/> Unk <input type="radio"/> Med <input type="radio"/> Other		42. Height 5' 4"		43. Weight 150		J.				
	44. Hair BLK		45. Eye Color BRO		46. Glasses <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Contacts		47. S/M/T -		48. Clothing Description Jeans, shirt, jacket, sneakers.				K.										
	49. Missing Person Code		50. Mother's Maiden Name				51. MISC. (School Displacement or Birth)				L.												
PROPERTY	52. VED Susp. No.		Property Status		Property / Drug Type TABLET		Quantity / Measure TABLET		Color		Make / Model		Serial# / VIN		Description Firearms: Include Caliber/Barrel Length & Finish		TT No.		Value		M.		
	A1		06		H3		-		-		-		-		97 Bags of "FENTANYL"		-		\$700.00		N.		
	A1		06		01		-		-		-		-		\$2,181.00 U.S. Currency		-		\$2,181.00		-		
	A1		06		49		-		-		-		-		Cellular phone		-		\$200.00		M.O.		
VEHICLES	52. Vehicle Status 04		54. License Plate JLX-4529		Full <input type="radio"/> Partial <input type="radio"/>		55. Lic State NY		56. Exp Yr 2022		57. Plate Type -		58. Value -		59. Veh Yr 2011		60. Veh Color Blue		Total \$3,081.00		1.		
	61. Make Ford		62. Model Fusion		63. Style 4DSD		64. VIN 3FAHP0HAXBR214692		65. Inventory Search <input checked="" type="radio"/> Yes <input type="radio"/> No		66. Towed by To		67. Working/Recover CRF -		68. Road for -		69. Owner Notified <input type="radio"/> Yes <input type="radio"/> No		70. TT Message # -		2.		
	71. On the above date and time I was patrolling the area of 204 Crown Oak Drive. Over the past several months I have been made aware of																				4.		
	vice related activity taking place at this location, including the sales of illicit narcotics and individuals carrying guns. I have documented																				5.		
these allegations on intelligence bulletins and have since been patrolling the area and conducting surveillance. I am aware of the vehicles																				6.			
and individuals who I see passing through on a regular basis and I'm familiar with what vehicles belong in the residence parking lot. I																				7.			
have also conducted numerous traffic-stops of vehicles leaving the area for V&T violations in an effort to identify those who may be																				8.			
ADMINISTRATIVE	False statements made herein are punishable by a Class A Misdemeanor pursuant to the New York State Penal Law																				9.		
	72. Inquiries <input type="radio"/> DMV <input type="radio"/> Want/Warrant <input type="radio"/> Scofflaw <input type="radio"/> Crim Hist <input type="radio"/> Stolen Property <input type="radio"/> Other <input type="radio"/> Tech By: Deputy Ryan Arnold 621A										73. NYSPIN Message #		74. Complainant's Signature										
	75. Reporting Officer's Signature (Include Rank) Deputy Shawn Moore 622A										76. ID No A568		77. Supervisor's Signature SGT. S. [Signature]								78. ID No 3600		
	79. Status: <input type="radio"/> Field <input type="radio"/> Cleared by (check box to right) <input type="radio"/> Incident <input type="radio"/> CBI <input type="radio"/> Warrant Advised										Cleared By: <input type="radio"/> Arrest-Adult <input type="radio"/> Arrest-Juv <input type="radio"/> Pros Declined <input type="radio"/> Vici. Refused Coop <input type="radio"/> Juv No Court <input type="radio"/> Death of Offender <input type="radio"/> Unfounded <input type="radio"/> Extradition Denied										80. Review Date 3/26/20		81. Notified / Turned Over To:
Additional Narrative on Addendum										Page 1 of 3													



**ADDENDUM**

A CONTINUATION OF A

Crime

REPORT

2. CR

#

20-053322

3. VICTIM'S NAME (LAST, FIRST, MIDDLE) OR FIRM NAME IF BUSINESS  
NYS

4. LOCATION OF INCIDENT (HOUSE NO., STREET, C/TN)

204 Crown Oak Dr, Penfield, NY, 14526

SEC.

A1

5. DATE OF INCIDENT

03/25/2020

BLOCK NO.

INDICATE BLOCK LETTER OR NUMBER IN LEFT MARGIN

involved in the above mentioned activity.

On the above date I was conducting surveillance at the location with the assistance of Deputy Judd (623A). 623A and I were parked by Willowpond and Live Oak Ct, just south of the Crown Oak intersection. The area is well lit, allowing me to see the make and color of vehicles passing through. At approximately 2313 I observed a blue Ford Fusion (NYS Reg# JLX-4529, S/V) turn left onto Crown Oak Dr and proceed E/B toward 204 Crown Oak Drive. There appeared to be 2 males inside the S/V. I had not observed this vehicle in the area up to this point and as the S/V proceeded E/B it did slow in a slow, hesitant and deliberate manner, as if they were unfamiliar with the area. Several minutes later 623A and I drove to the area and I observed the S/V parked in front of the 101-104 building. I observed a B/M in the driver seat (later identified as PK1) and I observed another B/M (later identified as A1) loitering in front of 204 Crown Oak Dr. I observed another unidentified male loitering near A1 and the two appeared to be speaking. I walked closer to both of them at which time the unidentified male turned and quickly walked away, it appeared as if the two males may have been involved in a hand-to-hand transaction.

I called out to A1 and asked him to stop, he took off in a sprint E/B holding his right side jacket pocket. I began pursuing A1 on foot E/B through the parking lot and N/B across Rt 441. A1 ran between 2112 and 2108 residence on the north side of Rt 441 and then proceeded E/B behind the homes. A1 began removing blue glassine bags from his right front jacket pocket and throwing them on the ground at the N/W corner of 2112 Penfield Rd, A1 also threw a clear plastic sandwich bag in the same spot. I continued pursuing A1 on foot to the area adjacent to 2108 where A1 slipped and fell to the ground, allowing me to handcuff him without incident. As I was beginning to handcuff A1 he continued throwing more of the same blue glassine bags on the ground near where he was prone out.

I assisted A1 to his feet and secured him in my patrol vehicle. 623A secured PK1 in his patrol vehicle and then assisted me in securing the area where the glassine bags were laying. Deputy Ryan Arnold (621A) accompanied me as from the point of contact (204 Crown Oak Dr) to the point of custody and assisted me in collecting the blue glassine bags. 621A also photographed each bag and the location it was found. Each bag was exactly identical to the other and each bag had fold creases where it had been bundled with the others before being pulled apart by A1. There were a total of 65 blue glassine bags located at the scene. 623A field tested the white powder in these bags and received a positive indication for the presence of fentanyl.

After photographing and collecting all of the bags I returned to the scene and spoke with PK1 who stated that he had no knowledge of what A1 was doing and that he was only asked to provide him a ride to Penfield from the City of Rochester. I released PK1 from the scene. I transported A1 back to A-zone and placed him in interview room #1. A1 stated informed me that he would like to speak about the incident to avoid PK1 (his biological brother) getting in trouble. I read A1 his Miranda warnings at 1238, he acknowledged his rights and waived them. In sum and substance A1 admitted to arriving at the above location to meet with and sell heroin/fentanyl to another male at the location. A1 admits that when he spotted my patrol vehicle and me approaching him, he ran to avoid getting arrested.

Monroe County Sheriff addendum report

ADMINISTRATIVE

6. Inquiries <input type="checkbox"/> DMV <input type="checkbox"/> Want/Warrant <input type="checkbox"/> Scofflaw <input type="checkbox"/> Crim. Hist <input type="checkbox"/> Stolen Property <input type="checkbox"/> Other <input type="checkbox"/> Tech By: <u>Arnold</u>		7. NYSPIN Message #	8. Working Incident No.	9. Date of Report 03/25/20
10. Reporting Officer's Signature (Include Rank) Deputy Shaun Moore 622A		11. ID No. 4568	12. Supervisor's Signature <u>Sgt. S. Arnold</u>	13. ID No. 360D
14. Status: <input type="checkbox"/> Field <input checked="" type="checkbox"/> Cleared by: (check box to right) <input type="checkbox"/> Incident <input type="checkbox"/> CBI <input type="checkbox"/> Warrant Advised		Cleared by: <input checked="" type="checkbox"/> Arrest-Adult <input type="checkbox"/> Arrest-Juv <input type="checkbox"/> Death of Offender <input type="checkbox"/> Vict. Refused Coop <input type="checkbox"/> Extradition Denied <input type="checkbox"/> Unfounded		15. Review Date: 3/22/20
		16. Notified/Turned Over To		

PAGE 2 OF 3



# Exhibit C



# MONROE COUNTY COURT

99 Exchange Blvd, Rochester, NY 14614

**NO FEE**

Non-Public  
Version

Court ORI: NY027013J

The People of the State of New York  
vs.

**Diamond P. Bussey**

## Certificate of Disposition

Docket Number: **HGJ-70469-20/001**

CJTN: 69330503K

NYSID: 01456926M

Defendant DOB: **06/03/1985**

Arrest Date: **03/25/2020**

Arraignment Date:

THIS IS TO CERTIFY that the undersigned has examined the files of the **Monroe County Court** concerning the above entitled matter and finds the following:

Count #	Charge	Charge Weight	Disposition	Disposition Date
1	PL 220.16 01 BF Cpcs-3rd:Narc Drug Int/Sell **SEALED 160.50**	BF	No True Bill	11/22/2022
2	PL 220.16 12 BF Crim Poss Contr Sub/Narco **SEALED 160.50**	BF	No True Bill	11/22/2022

Charge Weight Key: I=Infraction; V=Violation; AM, BM=Class Misdemeanor; UM=Unclassified Misdemeanor; AF, BF, CF, DF, EF=Class Felony

Dated: **February 7, 2023**

Chief Clerk/Clerk of the Court

CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT SEAL

All marijuana convictions under PL 221.05, PL 221.10, PL 221.15, PL 221.20, PL 221.35 or PL 221.40—including any appearing on this certificate of disposition—are vacated, dismissed, sealed, and expunged. It is an unlawful discriminatory practice for any entity to make any inquiry about such an expunged conviction or to use such an expunged conviction adversely against an individual in any form of application or otherwise—unless specifically required or permitted to do so by statute. It shall be an unlawful discriminatory practice, unless specifically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdivision thereof, to make any inquiry about, whether in any form of application or otherwise, or to act upon adversely to the individual involved, any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55, 170.56, 210.46, 210.47, or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law or by a conviction which is sealed pursuant to section 160.59 or 160.58 of the criminal procedure law, in connection with the licensing, housing, employment, including volunteer positions, or providing of credit or insurance to such individual; provided, further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by an order adjourning the criminal action in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. An individual required or requested to provide information in violation of this subdivision may respond as if the arrest, criminal accusation, or disposition of such arrest or criminal accusation did not occur. The provisions of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 or 160.59 of the criminal procedure law. For purposes of this subdivision, an action which has been adjourned in contemplation of dismissal, pursuant to section 170.55 or 170.56, 210.46, 210.47 or 215.10 of the criminal procedure law, shall not be considered a pending action, unless the order to adjourn in contemplation of dismissal is revoked and the case is restored to the calendar for further prosecution. [Executive Law 296(16)]

Charges may not be the same as the original arrest charges.

CPL 160.50: All official records (excluding published court decisions or opinions or records and briefs on appeal) related to the arrest or prosecution on file with the Division of Criminal Justice Services, any court, police agency or prosecutor's office shall not be available to any person or public or private agency.

23cv247-JLS

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

(a) PLAINTIFFS Diamond Bussey 22B0119

(b) County of Residence of First Listed Plaintiff Chemung  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Pro Se Diamond Bussey 22B0119  
1879 Davis Street Elmira, N.Y. 14902-0500

DEFENDANTS Shaun Moore 4568,  
Joseph Judd 4323

County of Residence of First Listed Defendant Monroe  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983

Brief description of cause: Civil Rights Action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ 600,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE

DOCKET NUMBER

DATE 3/13/23

SIGNATURE OF ATTORNEY OF RECORD Pro Se 22B0119

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE



ELMIRA CORRECTIONAL & RECEPTION CENTER

P.O. BOX 500

ELMIRA, NEW YORK 14902-0500

Diamond Bussey 22B0119

ELMIRA

CORRECTIONAL

FACILITY

Elmira



Correctional Facility

FIRST-CLASS MAIL

neopost

03/17/2023

US POSTAGE \$001.98<sup>0</sup>



ZIP 14901

041L11251115



United States District Court Clerk  
2120 U.S. Courthouse  
100 State Street  
Rochester, N.Y. 14614-1387

Le

E.C.F. LAW LIBRARY  
Privileged Legal Materials